

Again, I point to the ACLU and the trial lawyers who want to take a shot at the companies, the private sector, who have carried out their patriotic duties, when the government asked them in a time of war to do their duty, to help the United States Government listen to terrorists overseas and somehow we should subject them to liability. I think that's crazy. If the government did something wrong then, of course, the government should be held accountable.

When companies are acting on behalf and certified on behalf of the Attorney General to do this, essentially a mandate to do it, they should not be held liable for those actions. So I think that is the real issue here, what's holding up this bill that would protect Americans.

I yield to the gentlelady from New Mexico.

Mrs. WILSON of New Mexico. I thank my colleague.

In fact, one of the reasons that attorney generals and the Fraternal Order of Police are so strongly in support of this legislation is that they worry that what's happening to our telecommunication companies because of their cooperation with the government on terrorism will also extend and poison the relationship between law enforcement and our telephone companies.

There are at least 15 States where we have over 25 lawsuits, some of them against telephone companies that weren't even involved, and those who are involved can't defend themselves in civil court without revealing to the terrorists how we're collecting intelligence on them and compromising our national security. I'm convinced, having looked at this, that they actually have immunity. They just can't prove it. And it is up to this Congress to clarify that companies that cooperated with the U.S. Government in helping us prevent terrorism through electronic surveillance are immune from civil liability lawsuits. I think the law is clear. It's up to the Congress to step up and reaffirm it quite clearly.

My colleague from Georgia says, and he's right, that this is kind of a difficult-to-understand technical subject in some respects. But there are some things that aren't difficult to understand. I mean, we all remember where we were the morning of 9/11. We remember who we were with, what we had for breakfast, what we were wearing, who we called first to check to see if they were okay.

Very few Americans remember where they were in August of 2006 when the British government arrested 16 people who were within 48 hours of walking onto airliners at Heathrow and blowing them up simultaneously over the Atlantic. One of the terrorists that was involved intended to bring his wife and his 6-month-old baby with him so that they'd all die together. Comprehend that evil for a moment. You're willing to kill your own 6-month-old child in order to blow up an airliner. If that had happened, more people would have died

that day than died on the morning of 9/11. But you don't remember it because it didn't happen. And it didn't happen because of cooperation between the British, American and Pakistani intelligence services. Forty-eight hours. They were within 48 hours.

How much time should we wait while lawyers gather in Washington to develop cases for probable cause to get a warrant on a foreigner in a foreign country?

I yield back to my colleague from Texas.

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Mr. MCCAUL of Texas. I thank the gentlelady for her insight, and she's absolutely right that this terrorist surveillance program has protected Americans from the very scenario that you mentioned.

We all remember this day. It's etched in our memory forever. I will never forget this day, and every patriotic American will never forget what they did to us that day. But yet, every day this Act, since it has expired, with every day there's greater risk to this happening again.

There's a reason why this hasn't happened again. It's because we have been able to thwart and to stop plots against the United States to kill us. That's what this program does. That's what the Protect America Act did until the Democrats allowed it to expire almost 3 weeks ago.

Alluding back to Ramzi Yousef, very interestingly, and I know the FBI agents when they arrested him, when they busted down his door to talk about what the gentlelady talked about in terms of a sinister evilness about the terrorist, to get in the mind of the terrorist, what they found were about a dozen baby dolls, and those baby dolls were stuffed with chemical explosives. They were going to carry those on the airplanes and blow them up.

Now, chemical weapons we saw with the London arrest. They always go back to their old tricks. They attempted to sneak chemical explosives onto these airplanes. Fortunately, we had good intelligence. Without good intelligence, people die. Without good intelligence, we cannot fight this war on terror. Without good intelligence, we cannot protect the American people, and as we stated before, we put the war fighter at tremendous risk.

So, with that, I will yield again to the gentleman from Pennsylvania.

Mr. DENT. That graphic you just showed from 9/11 in New York vividly reminds me of that day, and my cousin was on the 91st floor of the north tower. He was one of the lucky ones. He got out. Everybody above him was killed, and all 11 people on his floor made it out, and it was a harrowing experience which I won't go through here tonight.

But we should also remember an article that was written by a woman named Debra Burlingame. She wrote

this editorial in The Wall Street Journal a few years ago, and she talked about the fact that there were two individuals in this country before 9/11 that FBI agent you referred to earlier was concerned about. He was concerned about those individuals, and for whatever reason, nobody in the FBI was prepared to go to the FISA Court to go on a nationwide manhunt for these two individuals. Didn't happen until the afternoon of September 11, 2001.

And those two individuals that Debra Burlingame wrote about, who we were so concerned about, who were operating out of San Diego, who were making phone calls to Yemen into a switchboard run by the brother-in-law of one of those two individuals, bin Laden would call into that switchboard himself.

The point is those two individuals were the ones who crashed the plane into the Pentagon, and the pilot of that plane was a man named Burlingame, Captain Burlingame, the brother of Debra, and it really speaks to the issue that we should be surveilling and monitoring calls of people who are not American citizens and who we suspect that are engaged in serious terrorist activities.

We had a sense that those two people were bad actors, but we failed to act. We can't let that happen again. Heaven forbid if there's another terror attack like that of 9/11 or something worse, and heaven forbid if, for whatever reason, we failed in our duty to provide our law enforcement officials, our counterterrorism officials the tools they needed to connect the dots. And as you so eloquently stated, we cannot connect the dots if we can't find the dots. That's precisely the point.

Mr. MCCAUL of Texas. I thank the gentleman, again, for his insight.

Because of the wall back then and because of the intelligence gap, people did die, 3,000 Americans. Haven't we learned our lesson? How many times do the terrorists have to hit us? We know before September 11 there were many attacks against American interests, whether it was Beirut, the Khobar Towers, the USS *Cole*, the 1993 World Trade Center, they went back to it again. When are we going to learn the lesson?

The 9/11 Commission came out with its recommendations, and yet I don't believe we're heeding the warnings from the 9/11 Commission today. When are we going to learn the lesson that we need the dots to connect them in the first place?

And I think it's worth repeating, for those who have just tuned in, again the FBI agent's frustration that Mr. DENT has referred to, and I can see this. Having worked with the FBI, I can see an agent who is pounding his head against the wall because some bureaucratic rule prevents him from coordinating with the intelligence side of the house and he can't get the intelligence he needs to protect Americans because the intelligence community knows that